



court establishing a constitutional right that was not recognized at the time of trial, if retrospective application of that right is required, (2) the claim in the petition is based upon new scientific evidence establishing that such petitioner is actually innocent of the offense or offenses for which the petitioner was convicted, or (3) the claim in the petition seeks relief from a sentence that was enhanced because of a previous conviction and such conviction in the case in which the claim is asserted was not a guilty plea with an agreed sentence, and the previous conviction has subsequently been held to be invalid.

The judgment in this case became final in March 1992, and the petitioner did not appeal. The petitioner filed the present petition for post-conviction relief in November 1996. Accordingly, the petition is governed by the 1995 Post-Conviction Act, and, consequently, it was filed outside the statute of limitation set forth in T.C.A. § 40-30-202(a). Moreover, the petitioner has failed to show that any of his claims fall within one of the exceptions set forth in T.C.A. § 40-30-202(b).

It is, therefore, ORDERED that the state's motion to affirm the judgment of the trial court under Rule 20, Rules of the Court of Criminal Appeals, is granted, and the judgment of the trial court is hereby affirmed.

Enter, this the \_\_\_\_ day of July, 1997.

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JOE G. RILEY, JUDGE

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JOE B. JONES, PRESIDING JUDGE

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PAUL G. SUMMERS, JUDGE